

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR)	ORDER NO. 1786
APPROVAL FOR A PRELIMINARY)	CU2004-0024 ORDER APPROVING REQUEST
SUBDIVISION TO PLAT 46 SINGLE FAMILY)	WITH CONDITIONS.
LOTS, OPEN SPACE TRACTS, AND PRIVATE)	
STREETS, (COVINGTON PARK PUD).)	
LAND TECH, INC., APPLICANT.)	

This matter came before the Planning Commission on March 9, 2005, on a request for Conditional Use approval to create 46 single family lots, open space tracts, and provide streets for a Final Planned Unit Development (PUD). The proposed site is located at 9525 and 9565 SW 155th Avenue and is more specifically described as Tax Lot 100 and 200 on Washington County Assessor's Map 1S1-29CD.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The Commission adopts the following supplemental findings in support of the final action, in response to key issues raised at the hearing, as identified herein.

Staff confirmed to the Planning Commission, upon their request, that the current plans showed the previously approved Street Design Modification

and that the PUD 20 percent open space requirement was met by that plan, in both the interim street access plan for Lots 1 through 45, and in the future 155th Avenue street improvement where permanent access and Lot 46 would be constructed.

The following two (2) people provided oral testimony to the Commission with regard to the Conditional Use request for the Planned Unit Development and the Commission addressed the testimony as described below:

Ms. Kim Stillwell spoke briefly in support of the proposal. There were no questions by the Commission.

Ms. Jada Pearson spoke to the Commission, reading her letter dated March 9, 2005, that stated her support for the proposal if three conditions of approval related to the Planned Unit Development were adopted. Regarding the first proposed condition, the Commission determined that conditioning the 15 foot south property line (PUD side yard) building setback so that it could not be changed in the future was not appropriate because the Section 40.30.15.1 of the Development Code provides a process by which future Covington Park property owners may request reduced setbacks if they receive signatures of all abutting property owners agreeing to such a reduction.

Regarding Ms. Pearson's second proposed condition, the Commission determined that limiting proposed lots 22-31 and 46, along rear yards of existing single story homes on the south property line, to a two-story height limit was unnecessary and if adopted, may not have the effect of lowering

building height anticipated. At this time, the design of proposed homes is not known and is not required to be known for PUD approval, although building setbacks are provided in the plans for each lot. The Code height limit of 35 feet in the R-2 zone (Covington Park) is matched by the 35 foot height limit of the abutting R-5 zone to the south. Development patterns in the surrounding area show that homes in subdivisions with 35 foot height limits are not always constructed to that height, but may instead be lower. The concern over visual privacy, whereby taller homes could be located next to shorter homes, already exists in the area, so that the development of Covington Park, whether all the homes were two-story, three-story, or were 35 feet in height, would not be introducing an impact that is new to the area. In any case, requiring a two-story building floor maximum height would not necessarily provide shorter buildings. Further, it cannot be concluded that a two-story building would provide nearby homes with greater privacy than a three-story building because the matter is also dependent upon the placement and design of homes, and the amount of screening and width of buffer between the homes in question. Because the south property line setback is 15 feet, (more than required by Code) and the development is conditioned to retain a minimum of 90 percent of existing healthy trees within 8 feet of the property line, and because the evidence presented by testimony is not conclusive in supporting the opinion that there is a strong likelihood for visual privacy impacts due to building height, the Commission

concludes that a condition limiting the number of stories of particular homesites was not necessary.

Regarding the third proposed condition by Ms. Pearson, that the Commission establish a maximum time limit for the duration of construction, staff recommended that the Commission need not adopt such a condition because the Site Development Code and the Building Code already contain adequate provisions that address this potential problem. If construction does not proceed according to City standards, the City has the ability to take action to prevent unsafe construction sites and the types of nuisances described by Ms. Pearson, by using existing Code provisions to regulate construction permits. The Commission agreed with staff's conclusion that a condition limiting the duration of construction was not necessary.

The City also received written testimony from Keith Jorgenson and Terrie Brookshire, dated March 5, 2005 outlining four (4) concerns about traffic congestion and safety with respect to the condition of SW 155th Avenue in relation to the vehicular and pedestrian access to the development. The Commission deliberated the matters raised, and received input from Transportation Planning staff. The Commission concluded that the Memorandum dated March 9, 2005 by Don Gustafson, (attached to this order) satisfactorily addressed the concerns raised.

The City received a letter dated March 9, 2005 from Jeff Roberts of Dolphin Development LLC, requesting changes to the Land Division and

Tree Plan conditions of approval, which are addressed within the Orders for those requests.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 2, 2005, and the supplemental findings contained herein, as applicable to the approval criteria contained in Section 40.03 and Section 40.15.15.6.C of the Development Code.

Commissioner Maks **MOVED** and Commissioner DeHarpport **SECONDED** a motion to **APPROVE** CU2004-0024 Covington Park PUD, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated March 2, 2005, and including the additional evidence provided by staff, applicant, and public and the additional Conditions of Approval, as follows:

A. Prior to issuance of the site development permit, the applicant shall:

1. Be aware that the conditional use granted shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (Development Service / TTR)
2. Show on the site development plans that a minimum of ninety (90) percent of healthy vegetation, as identified by the applicant's arborist within 8 feet of the southern property line, shall be retained.
3. Show on the site development landscape plan a note to indicate that all vegetation shown on the landscape plan shall be maintained, including irrigation, for a period of not less than a two year establishment period. Dying or dead plants shall be replaced as necessary within the establishment period.

B. Prior to building permit issuance, the applicant shall:

4. In accordance with Section 10.65.5.A.6 of the Beaverton Development Code, file a copy of this approved permit with the Washington County Department of Assessment and Taxation. The conditions of approval to be recorded may be in the form of a Land Use Order or other City issued document. (Development Service / TTR)
5. Provide building setbacks concurrent with the following Parent Parcel Perimeter Minimum Setback Requirements for any dwelling or form of structure (for example decks over 30 inches in height) which shall comply with the City of Beaverton's Development Code as follows:

Parent Parcel Perimeter Minimum Setback and Driveway Length Requirements	
Lot Nos.	Perimeter Setback Requirement
1	Side yard to 155 th Ave min. 10 feet
1 through 11	Rear yard to north min. 10 feet
12	Side yard to north min. 10 feet
12 through 21	Rear yard to west min. 15 feet
22 through 31, and 46	Rear yard to south min. 15 feet
43 through 45	Rear yard to 155 th Ave min. 10 feet
All structures	8 feet spacing between all structures and minimum of 18.5 feet from garage door to back of sidewalk or a maximum of 5 feet from garage door to back of sidewalk or back of curb if no sidewalk.

Motion **CARRIED** by the following vote:

AYES: Maks, DeHarpport, Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: Barnard, Bliss, and Pogue.

IT IS HEREBY ORDERED that CU2004-0024, is approved based on the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts and findings and conclusions found in the Staff Report dated March 2, 2005, and the supplemental findings found herein.

Dated this _____ day of _____, 2005.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1786, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2005.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

JOHN OSTERBERG
Senior Planner

ERIC H. JOHANSEN
Chairman

STEVEN A. SPARKS, AICP
Development Services Manager